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May 17, 2017

BY ECF

Honorable Valerie E. Caproni
United States District Court
Southern District of New York
40 Foley Square
New York, NY 10007

Re: **United States v. Percoco, et al., 16 Cr. 776 (VEC)**

Dear Judge Caproni:

We represent Joseph Percoco in the above-referenced matter. We respectfully submit this letter on behalf of Mr. Percoco to request clarification regarding the Court's May 15, 2017 scheduling order for motions. That order was a memo endorsement of a May 15, 2017 letter by counsel for Peter G. Kelly, Jr. In that letter, counsel for Mr. Kelly requested a one-day extension—from May 18 to May 19—of the date on which defense motions are due. Counsel noted that he had conferred with codefendants and the Government, who had all consented to the change. The Court memo endorsed the letter, ordering that "Pretrial motions must be filed on or before May 19, 2017. Opposition briefs must be filed on or before June 30, 2017. Reply briefs on or before July 21, 2017." We believe it was the intent of the Court that this order apply to all parties in the case, but in an abundance of caution we request clarification on that point.

If the May 15, 2017 order amending the briefing schedule does not apply to all parties, then we hereby respectfully request, on behalf of Mr. Percoco, that the Court adopt the same briefing schedule set forth in that order for Mr. Percoco's motions. We make this request for the same reasons provided in the May 15, 2017 letter by Mr. Kelly's counsel.

Application GRANTED. The briefing schedule set forth in the Court's May 15, 2017, Endorsement [Dkt. 168] applies to all the defendants in this case.

SO ORDERED.



HON. VALERIE CAPRONI
UNITED STATES DISTRICT JUDGE

5/17/2017

Respectfully submitted,

/s/ Barry A. Bohrer
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